

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jolie Bailon

Write the full name of each plaintiff or petitioner.

Case No. 22 CV 06054

-against-

Justin Bieber, Pollen, SB Prods NOTICE OF MOTION
Trippr, Wynn Resorts Holdings LLC opposition
Write the full name of each defendant or respondent.
Wynn Resorts Limited

PLEASE TAKE NOTICE that Plaintiff Jolie Bailon
plaintiff or defendant name of party who is making the motion

requests that the Court:

Deny Motion to Dismiss

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☒ a memorandum of law
☒ my own declaration, affirmation, or affidavit
☒ the following additional documents:

Letter to judge

August 15th 2022
Dated

Jolie Bailon
Name

4320 Broadway #1008
Address

305 322 3139
Telephone Number (if available)

Jolie Bailon
Signature

Prison Identification # (if incarcerated)

NY NY 10033
City State Zip Code

Joliesphotography@icloud.com
E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jolie Bailon

Fill in above the full name of each plaintiff or petitioner.

Case No. 22 CV 06054

-against-

Justin Bieber, Tollen, Scooter Braun Projects
Tripper

Wynn Resorts Holdings LLC
Wynn Resorts Limited.

Fill in above the full name of each defendant or respondent.

DECLARATION

In Opposition to Defendants' Motion
to dismiss.

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment."

I, Jolie Bailon, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

See letter to Judge

Attach additional pages and documents if necessary.

August 15th 2022

Executed on (date)

Jolie Bailon

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August 15th 2022

Hon. Katherine Polk Failla United States District Court Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: Bailon v. Pollen Presents et al.,

Case No. 1:22-cv-06054-KPF

*In Opposition
of Defendants.
Motion to dismiss.*

Dear Judge Failla:

I want to amplify the fact that this wasn't advertised as just a "Justin Bieber concert". "Justin Bieber and Friends" was advertised as an intimate up close and personal event curated by Justin Bieber himself. Fans were promised a 3000 person intimate event with many add ons like "Bottomless Belieber Brunches, Q and A Sound Check with Bieber, VIP Perks and activities which never materialize. This is the core cause of action. Wynn knows this but is using technical legal defenses to attempt to save itself. While I am not a law expert, I did research and make sure to list each element of each count in my claim.

Fairly Traceable

Wynn asks to dismiss my complaint on the grounds that there is no evidence that is "fairly traceable" to them. This is incorrect. Every single promotional material has both Wynn Resorts logo and their night club logo (XS NightClub) listed next to Pollen as organizers. If I were to go to the Attorney General and FTC to file a class action lawsuit on behalf of "Beliebers" they

It is my belief that all defendants named are equally guilty of all 21 counts of common law fraud and intentional torts. I did not designate a claim to each defendant because they are collectively known to me as the organizers of the event. Wynn, along with Mr. Bieber, Mr. Bieber's management, Pollen and Trippe all partnered up to defraud fans by fraudulent misrepresentation. It is Wynn's legal duty to defend itself against each claim.

This is about the straight use of subterfuge to coerce fans into thinking they would be part of something more intimate. This directly effected me. The corporations involved (Wynn) are gaslighting the fact that they were partnered with Pollen who is known for bait and switch, fraud and misleading advertising.

Wynn~~is~~ is just as guilty as the other defendants.

Improper Service

As for improper service, When a case is filed in the Southern District of New York, the plaintiff has 90 days to serve the summons and complaint on the defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure. Rule 4 permits service to be done in accordance with Rules 307-316 of the New York Civil Practice Laws and Rules.

I myself filled out an envelope and gave to a processor to certify mail it. I did this in accordance with Federal Rules of Civil Procedure Rule 4.

h) Serving a Corporation, Partnership, or Association. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to

would make a case against all parties involved in the false advertisement. This would include the organizers, the act, and everyone who posted the ad. Wynn is liable for being the organizer, venue and promoter of an event that was fraudulently misrepresented.

Wynn also sold tickets on its website to the event under a different name. It was their responsibility to know the type of event they were hosting and who they were partnering up with. They partnered with Pollen who told fans only 3000 people would be allowed. That itself is a conflict of interest that Wynn needs to take accountability for.

Unless Wynn uses it's power to work with the other defendants to take down all content regarding this event on the internet, a simple fact check will verify just how traceable this event was to Wynn.

Wynn is a multi million dollar corporation that actively create buisness ties to celebrities to bring "exclusive" nightlife and accommodations as part of Las Vegas' brand .

Social Media is the one and only way the collective defendants used to promote this event. Therefore, just like the promotions were posted on Instagram , Twitter, and Facebook, there can be tons of records showing Wynn being mentioned every time this event was mentioned. From countless buzz worthy blogs to the promotional material posted by Mr. Bieber and other celebrity endorsers. There are dozens of Twitter Threads by real Beliebers, expressing multiple point of views of the big mess.

In my compliant I've attached the most significant testimonies by fans I connected with during the occurrence. I also have 20 or so emails from Beliebers, expressing how degrading Wynns Security Staff treated us during this horribly orchestrated event.

Differentiation of Conduct

Wynn claims the case should be dismissed against them because I failed to differentiate the conduct for each defendant.

receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant;

In administrative error, the wavior of service form was left out and a summons was attached instead. At the time of filing this motion, I have sent out a copy of a wavior to Wynn's attorney.

I have not submitted my service affidavit yet because of this and I am still gathering resources to pay service processor in their principal state. Being that the compliant is over 100 pages long, I have to take my time serving multiple ways due to the cost of paper. But after carefully reading up on what a wavior is, I will be using it for the other defendants to minimize the cost.

Wynn answered before I could complete in person serve. While the envelope was mailed to wrong address, it was forwarded by the USPS to the correct address. I put 3131 on court documents but when I went to searched again I was given a different address since their registered agent Kim is no longer around.

AirBnB Reciepts

Wynn challenged the receipts for Airbnb's I paid for, for my family members to accompany me. I paid for both my package for the event and multiple Airbnb for me and my family. Again, the narrative of the event is that it wasn't just a concert but a 3 day Belieber Themed experience with Justin himself attending events over the 3 days. This sounded very "once in a lifetime" and so I treated it as such. I did not want to miss this. We were under the impression this was better than a concert because it would only be 3000 people attending.

I did not want to go alone and my plus one caught Covid and had to drop out of the room. Every time I wanted to shower, change or sleep I would take a Lyft back to the hotel to join the gang and go to the events.

I would've just bought party passes but again, Pollen insisted that the only way we had access to Justin Bieber and Friends 3 day Weekender was if we purchase accommodations.

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Under NY consumer laws and Federal Trade Laws, I am protected and have rights when purchasing goods or services from retail and businesses that do commerce in New York State.

A right I don't have is : The **right to false information.**

Federal courts have limited jurisdiction in that they can only hear cases that fall both within the scope defined by the Constitution in Article III Section 2 and Congressional statutes (See 28 U.S.C. §1251, §1253, §1331, §1332). **Territorial jurisdiction** which a court or government agency may properly exercise its power. See, e.g. *Ruhrgas AG v. Marathon Oil Co. et al.*, 526 U.S. 574 (1999).

In order to bring an action in federal court, the plaintiff must find a constitutional or congressional grant of subject-matter jurisdiction to allow the federal court to hear the claim. See U.S. Const. Art. III, Sec. 2.

Under federal question jurisdiction, a litigant—regardless of the value of the claim—may bring a claim in federal court if it arises under federal law, including the U.S. Constitution. See 28 U.S.C. § 1331. Federal question jurisdiction requires that the federal element appears on the face of a well-plead complaint, is a substantial component of the complainant's claim, and is of significant federal interest.

In this instance, I did prepare a well pleaded complaint that touched and proved each element of each claim in accordance with federal law.

Federal question subject-matter jurisdiction is frequently derived from federal statutes granting a cause of action to parties who have suffered a particular injury. Furthermore, it is important to note that 28 U.S.C. § 1367 provides for supplemental jurisdiction in federal courts. Supplemental jurisdiction allows a federal court to adjudicate a claim over which it does not have independent subject-matter jurisdiction, on the basis that the claim is related to a claim over which the federal court *does* have independent jurisdiction.

The fact that I paid for my family to come has no relevance to the fact that I was indeed deceptively induced to purchase packages under the impression I could not attend the event without purchasing accommodations. This was the way Pollen set it up.

Regardless of how many hotels I paid for, this was also something I paid for with my own money. I believed the money was worth it because I believed that

- A. This was an up close and personal event, limited to only 3000 people.
- B. This was an exclusive Justin Bieber fan theme weekend specifically targeting Beliebers. My money and hundreds of other fans were targeted when the defendant's collectively approved of the deceptive promotional marketing material straight out lying about the type of event this was, the theme of this event, the capacity of the event and the activities included in the event.
- C. Does not excuse them from being the venue, organizers and employers of the security staff and all personnel handling this event.
- D. I was told I could not simply buy party passes which ended up being sold up until the night of.

In Wynn's answer to my compliant, they call this event "a concert" indicating that it wasn't at all as intimate as the promotional material represented it to be.

Jurisdiction

Wynn recommends that the case should be transferred to a court in their district. This shouldn't happen because:

I am a resident of NY.

I paid for ALL expenses regarding flights, hotel and event package from my residence in New York.

I paid for access to the event in NY, which technically means business was done in NY.

If the courts grant for this case to be moved to the Defendants jurisdiction, I ask that my case get referred to the FTC, to move with case.

Blaming Bieber

Lastly, I strike down Wynn's defense to put the blame only on Justin Bieber, his manager and Pollen.

As a Corporations, they should know better than to falsely advertise to this extent and not think someone would want to hold them negligently liable. The mere fact that this case is about Global Popstar Justin Bieber, the Defendants seem to believe they are above the law because Justin Bieber is now a total A List star and have star power over a multitude of masses. This power often can be a curse as some fans grow irrationally obsessive and unfortunately, this has given fan bases in general a bad reputation. Big corporations look at us as one large mass of degenerated humans, who are so psychologically wrapped in idol worship that we cannot and do not notice when we are lied to and taken advantage of.

Beliebers are a mass group of young (and old) people. Specifically we are known as young naive girls that will show up for Mr.Bieber. Corporations believe we are all dumb and not capable of defending ourselves because we are just a bunch of teeny girls, On the contrary, I am not that girl.

Corporations and other money hungry entities all use Mr. Bieber's power (Bieber Fever) as a guarantee check. Wynn is no different.

All Defendants had a strategic intention to deceive fans in hopes of making up for the blow they took from Covid-19. This is clearly evident once you take a look at the facts.

Similarities to Fyre Fest

First, This case closely resembles Fyre Festival case in which event organizer William McFarland defrauded consumer victims out of millions by promoting events with fraudulent tickets. In particular, McFarland deceived people using fraudulent statements and

misrepresentation of "exclusive" events in which he pocketed the money generated. Key elements exist in both Fyre Fest and Justin Bieber and Friends.

1. The use of Star Power to manipulate credibility to coerce consumers into purchasing a "too good to be true" deal.
2. The use of false statements and Misrepresentation to exaggerate the quality and intimacy of the event.
3. Promising key elements of an event that ultimately make or break the decision to purchase tickets and not following through with them. (See Attached Fyre Festival Document)
4. Claiming to have itinerary approval when there was no approval.

Closing

Wynn is guilty for knowingly partnering with the other defendants to defraud fans. This include, premise liability, liability, negligence and breach of contract. (See compliant)

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